

MEMO ENDORSED

BY ECF

The Honorable Louis L. Stanton
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
FILED
DOC #:
DATE FILED: 9/28/23

Direct Dial: +1 212 878 8205
E-mail: jeff.butler@cliffordchance.com

September 21, 2023

Re: *Frontier Airlines, Inc. v. AMCK Aviation Holdings Ireland Limited et al.*,
20 Civ. 9713 (LLS)

Your Honor:

I write on behalf of Defendants in this matter, and pursuant to Section 3.B of Your Honor's Individual Practices, to request permission to file under seal the Expert Declaration of Rikard de Jounge dated September 20, 2023 (the "de Jounge Declaration"). Defendants are submitting the de Jounge Declaration in accordance with Section 4 of Your Honor's Individual Practices.

The de Jounge Declaration refers to various documents and information that Plaintiff Frontier Airlines, Inc. ("Frontier") has designated "Confidential" or "Highly Confidential" under the Stipulated Protective Order dated January 4, 2022. The referenced material concerns Frontier's claimed damages in this case, including the economic terms of Frontier's contracts with third parties.

Accordingly, Defendants are filing the de Jounge Declaration and its exhibits under seal pursuant to Section 8.4 of the Stipulated Protective Order. Defendants take no position as to whether there is a "most compelling reason" to seal these documents. See *Lugosch v. Pyramid Co.*, 435 F.3d 110, 123 (2d Cir. 2006). If Frontier wishes to keep the above information under seal, Defendants would have no objection to such an application by Frontier.

Respectfully submitted,

s/ Jeff E. Butler

Jeff E. Butler

9/28/23
The references in the Neels and
de Jounge declarations are just what
the cases preceding and following Lugosch meant
to exclude as highly confidential and important to
their authors and of no interest to anyone else, except
their competitors. They may retain the redactions made
on the filed copies. So Ordered Louis L. Stanton